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HOUSE BILL 195

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

RICK MIERA

AN ACT

RELATING TO MOTOR VEHICLES; REVISING PROVISIONS REGARDING
ISSUANCE OF A LICENSE TO OPERATE A MOTORCYCLE; AMENDING SECTIONS
OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 66-5-5 NMSA 1978 (being Laws 1978,
Chapter 35, Section 227, as amended) is amended to read:

"66-5-5. PERSONS NOT TO BE LICENSED. --The division shall
not issue a driver's license under the Motor Vehicle Code to any
person:

A. who is under the age of sixteen years, except the
division may, in its discretion, issue:

(1) a restricted instruction permit or a
restricted license to students fourteen years of age or over,
enrolled in and attending a driver-education course that

Underscored material = new
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1 includes a DWI education and prevention component approved by
2 the bureau or offered by a public school; and

3 (2) a license to any person fifteen years of
4 age or older who has satisfactorily completed a driver-education
5 course that is approved by the bureau or offered by a public
6 school and that includes both a DWI education and prevention
7 component and practice driving [and

8 ~~(3) to any person thirteen years of age or
9 older who passes an examination prescribed by the division, a
10 license restricted to the operation of a motorcycle, provided:~~

11 ~~(a) the motor is not in excess of one
12 hundred cubic centimeters displacement;~~

13 ~~(b) no holder of an initial license may
14 carry any other passenger while driving a motorcycle; and~~

15 ~~(c) the director approves and certifies
16 motorcycles as not in excess of one hundred cubic centimeters
17 displacement and by regulation provides for a method of
18 identification of such motorcycles by all law enforcement
19 officers];~~

20 B. whose license or driving privilege has been
21 suspended or denied, during the period of suspension or denial,
22 or to any person whose license has been revoked, except as
23 provided in Section 66-5-32 NMSA 1978;

24 C. who is an habitual drunkard, an habitual user of
25 narcotic drugs or an habitual user of any drug to a degree which

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1 renders him incapable of safely driving a motor vehicle;

2 D. who, within any ten-year period, is three times
3 convicted of driving a motor vehicle while under the influence
4 of intoxicating liquor or narcotic drug regardless of whether
5 the convictions are under the laws or ordinances of this state
6 or any municipality or county of this state or under the laws or
7 ordinances of any other state, the District of Columbia or any
8 governmental subdivision thereof. Ten years after being so
9 convicted for the third time, the person may apply to any
10 district court of this state for restoration of the license, and
11 the court, upon good cause being shown, may order restoration of
12 the license applied for; provided that the person has not been
13 subsequently convicted of driving a motor vehicle while under
14 the influence of intoxicating liquor or drug in the ten-year
15 period prior to his request for restoration of his license.
16 Upon issuance of the order of restoration, a certified copy
17 shall immediately be forwarded to the division, and if the
18 person is otherwise qualified for the license applied for, the
19 three previous convictions shall not prohibit issuance of the
20 license applied for. Should the person be subsequently once
21 convicted of driving a motor vehicle while under the influence
22 of intoxicating liquor or drug, the division shall revoke his
23 license for five years, after which time he may apply for
24 restoration of his license as provided in this subsection;

25 E. who has previously been afflicted with or who is

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1 suffering from any mental disability or disease which would
2 render him unable to drive a motor vehicle with safety upon the
3 highways and who has not, at the time of application, been
4 restored to health;

5 F. who is required by the Motor Vehicle Code to take
6 an examination, unless he has successfully passed the
7 examination;

8 G. who is required under the laws of this state to
9 deposit proof of financial responsibility and who has not
10 deposited the proof;

11 H. when the director has good cause to believe that
12 the operation of a motor vehicle on the highways by the person
13 would be inimical to public safety or welfare; or

14 I. as a motorcycle driver who is less than eighteen
15 years of age and who has not presented a certificate or other
16 evidence of having successfully completed a motorcycle driver-
17 education program licensed or offered in conformance with
18 regulations of the bureau. "

19 Section 2. Section 66-10-10 NMSA 1978 (being Laws 1983,
20 Chapter 266, Section 1, as amended) is amended to read:

21 "66-10-10. MOTORCYCLE TRAINING FUND CREATED--PURPOSE. --

22 A. There is created in the state treasury the
23 "motorcycle training fund". The fund shall be invested in
24 accordance with the provisions of Section 6-10-10 NMSA 1978, and
25 all income earned on the fund shall be credited to the fund.

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1 B. The motorcycle training fund shall be used to
2 institute and provide a statewide system of motorcycle training
3 and driver awareness and education in the dangers of driving
4 while under the influence of alcohol or drugs for first-time
5 license applicants and to provide for the purchase of necessary
6 equipment and provide for such support services as are necessary
7 for the establishment and maintenance of the system.

8 C. A first-time [~~applicants~~] applicant for a
9 motorcycle license or an endorsement on [~~their~~] his New Mexico
10 driver's license [~~may~~] shall be required to complete a
11 motorcycle driver education program as prescribed by the rules
12 and regulations of the traffic safety bureau of the state
13 highway and transportation department.

14 D. The bureau shall adopt rules and regulations as
15 prescribed in the State Rules Act for the administration of a
16 statewide motorcycle driver education program to be administered
17 by the bureau. The program shall include, but not be limited
18 to:

- 19 (1) helmet use and effectiveness;
- 20 (2) motorcycle accident and fatality
21 statistics;
- 22 (3) drug and alcohol abuse information, laws
23 and statistics;
- 24 (4) street and highway safe driving habits; and
- 25 (5) defensive driving.

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E. The bureau shall cooperate with the state department of public education to distribute information through the public school systems.

F. All money in the motorcycle training fund is appropriated to the bureau for the purpose of carrying out the provisions of Subsection B of this section; provided that at the end of the seventy-second fiscal year and all subsequent fiscal years, all money in the motorcycle training fund in excess of the amount budgeted for the purposes delineated in Subsection B of this section shall revert to the state road fund."

Section 3. EFFECTIVE DATE. -- The effective date of the provisions of this act is July 1, 1997.

State of New Mexico
House of Representatives

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

February 3, 1997

Mr. Speaker:

Your JUDICIARY COMMITTEE, to whom has been referred

HOUSE BILL 195

has had it under consideration and reports same with
recommendation that it DO PASS, and thence referred to the
APPROPRIATIONS AND FINANCE COMMITTEE.

Respectfully submitted,

Thomas P. Foy, Chairman

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**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

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Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 11 For 0 Against

Yes: 11

Excused: King, Sanchez

Absent: None

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Underscored material = new
~~[bracketed material] = delete~~

State of New Mexico House of Representatives

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

February 26, 1997

Mr. Speaker:

Your APPROPRIATIONS AND FINANCE COMMITTEE, to
whom has been referred

HOUSE BILL 195

has had it under consideration and reports same with
recommendation that it DO PASS, amended as follows:

1. On page 5, line 10, strike "shall", and insert in lieu
thereof, "may".

Respectfully submitted,

Max Coll, Chairman

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 10 For 0 Against

Yes: 10

Excused: Bird, Buffett, Coll, Marquardt, Picraux, Salazar,
Watchman

Absent: None

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 18, 1997

Mr. President:

Your PUBLIC AFFAIRS COMMITTEE, to whom has been referred

HOUSE BILL 195, as amended

has had it under consideration and reports same with recommendation that it DO PASS, and thence referred to the JUDICIARY COMMITTEE.

Respectfully submitted,

Shannon Robinson, Chairman

**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 6 For 0 Against

Yes: 6

No: 0

Excused: Boitano, Feldman, Vernon

Absent: None

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 21, 1997

Mr. President:

Your JUDICIARY COMMITTEE, to whom has been referred

HOUSE BILL 195, as amended

has had it under consideration and reports same with
recommendation that it DO PASS.

Respectfully submitted,

Fernando R. Macias, Chairman

Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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Date _____

The roll call vote was 5 For 2 Against

Yes: 5

No: Sanchez, Stockard

Excused: McSorley

Absent: None

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~~[bracketed material] = delete~~